

IN RE: APPEAL OF MARJORIE BASTIDAS DEJESUS RELATIVE TO A PROPERTY LOCATED AT 844 CENTRE AVENUE, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2021-26 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 8th day of December, 2021, a hearing having been held on November 17, 2021, upon the application of Marjorie Bastidas DeJesus, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Marjorie Bastidas DeJesus, an adult individual with a mailing address of 3843 North Alabama Avenue, Reading, Berks County, Pennsylvania 19605 (hereinafter referred to as the “Applicant”).
2. Applicant has an equitable interest in the property located at 844 Centre Avenue, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, 844 Centre Avenue, LLC, has granted Applicant permission to seek the requested relief.

4. The Subject Property is located in the R-3 Residential Zoning District and Centre Park Historic District as those terms and districts are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

5. Applicant was represented by Joan E. London, Esquire.

6. Applicant proposes the redevelopment or conversion of an existing commercial office building into six (6) residential apartment units through adaptive reuse which is allowed in the R-3 Residential Zoning District by special exception (Section 600-1202.A).

7. Applicant states the proposed six (6) unit apartment building will not substantially increase traffic congestion, create traffic safety hazards, or create undue concentration of population.

8. Applicant states off-street parking and access will be provided by a pre-existing driveway.

9. Applicant states there will be no change to the height or footprint of the building which will impair light or air to adjacent properties.

10. Applicant also seeks the following variances:

a. Section 600-1503.B and 600-1503.B.(1) – distance of driveway from intersection and driveway width;

b. Section 600-1603(31)(a) and (d) (provided that 600-1603(F) allowing modification as a part of special exception is not applied) – off-street parking standards.

11. Applicant states the changes would be to the interior of the building to convert the existing commercial building to six (6) residential apartment units with improvements to the parking area for regular and ADA parking on the Subject Property.

12. Applicant states the variances are necessary due to the site, configuration of lot and existing building, and location and width of the existing driveway.

13. Applicant states the lot cannot be brought into strict conformity with Zoning Ordinance requirements and literal application of Zoning Ordinance requirements for this permitted adaptive reuse will cause undue hardship to the Applicant.

14. Applicant states the requested variances, if granted, will not adversely impact the neighborhood and will not change the character of the already mixed use neighborhood.

15. Applicant states the change from a commercial use to a residential use of six apartment units will not create any further traffic congestion or negative impacts in the surrounding community.

16. The Zoning Board finds the proposed use is too intense for the Zoning District and neighboring properties.

17. The Zoning Board finds the Subject Property can be used in stricter conformity to the Zoning Ordinance.

18. The Zoning Board finds the proposed use will be detrimental to the health, safety and welfare of the surrounding neighborhood and the Zoning District in general.

19. There were numerous neighbors who objected to the proposed use.

DISCUSSION

Applicant is seeking zoning relief for the conversion or redevelopment of an existing commercial office building located on the Subject Property to six (6) residential apartment units and related site improvements. The Zoning Board finds the proposed use will be a detriment to the health, safety and welfare of the neighborhood and is not in keeping with the spirit and intent of the Zoning Ordinance.

CONCLUSIONS OF LAW

1. Applicant is Marjorie Bastidas DeJesus.

2. The Subject Property is located at 844 Centre Avenue, Reading, PA 19601.

3. The Subject Property is located in the R-3 Residential Zoning District and the Centre Park Historic District.

4. The Zoning Board is permitted to provide interpretation and grant applications for variances and special exceptions as set forth in the relevant sections of the Zoning Ordinance.

5. In order to grant the requested relief, the Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.

6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicant is denied the requested relief.

The decision of this Board is by a vote of 4 to 0.

**ZONING HEARING BOARD OF THE CITY
OF READING**

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST